

UNITED STATES DISTRICT COURT

for the

Northern District of California

AT&T CORP.

v.

DATAWAY INC. dba DATAWAY DESIGNS

Case No.: C07-02440 EDL

Bill of Costs

Judgment having been entered in the above entitled action 08/14/2008 against DATAWAY INC. dba DATAWAY DESIGNS,
Date

the Clerk is requested to tax the following as costs:

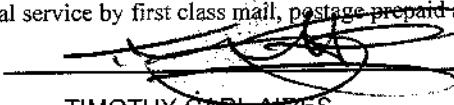
Fees of the Clerk	\$ 350.00
Fees for service of summons and subpoena	85.00
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	
Fees and disbursements for printing	
Fees for witnesses (itemize on page two)	0.00
Fees for exemplification and copies of papers necessarily obtained for use in the case	
Docket fees under 28 U.S.C. 1923	
Costs as shown on Mandate of Court of Appeals	
Compensation of court-appointed experts	
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	
Other costs (please itemize) <u>DEPOSITION TRANSCRIPTS</u>	1,121.70
TOTAL	\$ 1,556.70

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

Electronic service by e-mail as set forth below and/or.
 Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney: Name of Attorney: TIMOTHY CARL AIRESFor: AT&T CORP.Date: 08/26/2008

Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

By:

Deputy Clerk

Date

Clerk of Court

UNITED STATES DISTRICT COURT

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

“Sec. 1924. Verification of bill of costs.”

Sec. 1924. Verification of bill of costs.
"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 1 day's notice. On motion served within the next 5 days, the court may review the clerk's action

RULE 6

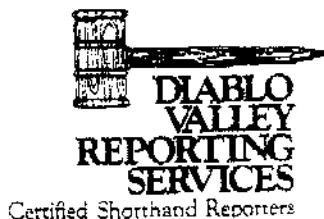
(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

**PAID**

4/21

DATE: 4/30/08No. of pages including this cover sheet: TO: Chase & Hayard (Aire Firm)FROM: Diablo Valley Reporting Services (Dottie)TO FAX NO.: (949) 718-3020

SPECIAL INSTRUCTIONS:

Invoice # 136954 -
Per Your Request for
Remittance
Transcript will be
sent upon receipt
of same -
Thanks,
D. Malone

Diablo Valley Reporting Services
2121 N. California Boulevard Suite 310
Walnut Creek, CA 94596
(925) 930-7388 Fax (925) 935-6957

COURT REPORTING I N V O I C E

INVOICE NO.	DATE	JOB NUMBER
136954 ***	04/30/08	01-44694
JOB DATE	REPORTER(S)	CASE NUMBER
04/29/08	SOKOJA	C0702440EDL
CASE CAPTION		
AT&T vs. Dataway, Inc.		
TERMS		

1 COPY OF TRANSCRIPT OF: Pamela Tyler	295.50
1 COPY OF TRANSCRIPT OF: Jessica Yee	117.70
TOTAL DUE >>> 413.20	

TAX ID NO.: 68-0259693

(949) 718-2020

Please detach and return this portion with your payment

Timothy Carl Aires
Aires Law Firm
180 Newport Center Drive
Suite 260
Lewport Beach, CA 92660

Invoice No.: 136954 ***
Date : 04/30/08
TOTAL DUE : 413.20

Job No. : 01-44694
Case No. : C0702440EDL
AT&T vs. Dataway, Inc.

Remit To: Diablo Valley Reporting Services
P. O. Box 4517
Walnut Creek, CA 94596



Jane GROSSMAN
REPORTING Services

CERTIFIED SHORTENED REPORTERS

1939 Harrison Street, Suite 460, Oakland, California 94612

4132

Timothy Carl Aires
Aires Law Group
180 Newport Center Drive, Suite 260
Newport Beach, CA 92660

STATEMENT

ACCOUNT NO.	DATE
AIRENE01	04/30/2008

CURRENT	30 DAYS	60 DAYS
708.50	.00	.00
90 DAYS	120 DAYS & OVER	TOTAL DUE
.00	.00	708.50

PAGE 1 OF 1

INV DATE	INV NO.	BALANCE	JOB DATE	DEPONENT	CAPTION
04/21/2008	28813	708.50	04/15/2008	Francisco J. Molieri <i>Molieri - 427.60</i> <i>Lewis - 280.90</i>	AT&T Corp. vs. Dataway, Inc.

TAX ID NO. : 94-2783527

Please detach bottom portion and return with payment.

Timothy Carl Aires
Aires Law Group
180 Newport Center Drive, Suite 260
Newport Beach, CA 92660

Account No. : AIRENE01
Date : 04/30/2008

TOTAL DUE : 708.50

Remit To: Jane Grossman Reporting Services
Tel. (510) 444-4500 Fax (510) 444-3700
1939 Harrison Street, Suite 460
Oakland, CA 94612

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Timothy Carl Aires, am employed in the aforesaid county, State of California; I am over the age of eighteen years and not a party to the within action; my business address is: 180 Newport Center Drive, Suite 260, Newport Beach, California 92660.

On August 26, 2008, I served the document entitled: *Bill of Costs* on all interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope, addressed as follows:

Anne Leith-Matlock, Esq. (anne-leith@matlocklawgroup.com)
Matlock Law Group, PC
1485 Treat Boulevard, Suite 200
Walnut Creek, CA 94597

(check applicable paragraphs)

(BY MAIL IN THE ORDINARY COURSE OF BUSINESS) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the U.S. Postal Service and the fact that correspondence would be deposited with the U.S. Postal Service that same day in the ordinary course of business; On this date, the above-named correspondence was placed for deposit at Newport Beach, CA and placed for collection and mailing following ordinary business practices.

— (BY PERSONAL SERVICE) I caused such document to be served by hand on the addressee.

(BY EXPRESS SERVICE) I caused such document to be deposited in a box or other facility regularly maintained by the express service carrier or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for, addressed to the person on whom it is to be served.

(State) I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(Federal) I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on August 26, 2008

Signature of Declarant